Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 919-08738-0242-064	Date: 06/21/19	Time: 1425	
Location: [redacted] South Gerhart Avenue	City or Station: Commerce		
Bureau/Station/Facility: Central Patrol Division / East Los Angeles Station	Admin. Investigation: ○ YES ◉ NO		
Type of Force: Stun Bag / Taser / Pepper Spray / Control Holds / Resistive Handcuffing / Hobble			
Incident Category: ○1 ○2 ◉3	Deputy Injury: ○ YES ◉ NO	Suspect Injury ◉ YES ○ NO	
☒ Call	☐ Observation	☐ Detail	☒ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉YES ○ NO	Person Notified: Lt. Grall	Emp: [redacted]	IAB Roll Out ○ YES ◉ NO

Involved Employee

E1

Employee #: [redacted]	Last Name: Magallanes	First Name: Andrew	Middle I.: R.	Rank: DSG	
Sex: ◉ M ○ F	Race: H	Height: 509	Weight: 175	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: East Los Angeles Station	Work Assignment (Unit #, Module, etc.): Unit 27				
Individual Force Used: Taser	○ Directed ○ Rescue ○ Medical Assist	Individual Category ○1 ○2 ◉3			
☐ Injured ☐ Treated ☐ Admitted Facility:	Coroner Case #				

E2

Employee #: [redacted]	Last Name: Vega	First Name: David	Middle I.: S.	Rank: DSG	
Sex: ◉ M ○ F	Race: H	Height: 508	Weight: 170	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: East Los Angeles Station	Work Assignment (Unit #, Module, etc.): Unit 27F				
Individual Force Used: Stun bag, Taser	◉ Directed ○ Rescue ○ Medical Assist	Individual Category ○1 ○2 ◉3			
☐ Injured ☐ Treated ☐ Admitted Facility:	Coroner Case #				

E3

Employee #: [redacted]	Last Name [redacted]	Rank: DSG			
Sex: ◉ M ○ F	Race: H	Height: 510	Weight: 180	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: East Los Angeles Station	Work Assignment (Unit #, Module, etc.): Unit 28T				
Individual Force Used: Pepper Spray, Control Holds, Resistive Handcuffing	○ Directed ○ Rescue ○ Medical Assist	Individual Category ◉1 ○2 ○3			
☐ Injured ☐ Treated ☐ Admitted Facility:	Coroner Case #				

On Duty Supervisor ☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Castro	Daniel	S.	SGT	YES ◉ NO ○	YES ◉ NO ○

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Jones	Raymond	L.	SGT	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Grall	David	M.	LT

DGRAM (signature) 3/31/2020

Watch Commander / Supervising Lieutenant's **Signature**: Date | Copy Provided to Employee by: [redacted] | Emp #:

Captain Richard Mejia

Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation

919 - 08738 - 0242 - 064

Involved Employee

E4

Employee #	Last Name / First Name / Middle I.	Rank
[redacted]	[redacted]	DSG

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	H	510	215	[redacted]	○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: East Los Angeles Station
Work Assignment (Unit #, Module, etc.): Unit 20B1
Individual Force Used: Control Holds, Resistive Handcuffing
○ Directed ○ Rescue ○ Medical Assist
Individual Category: ◉ 1 ○ 2 ○ 3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

E5

Employee #	Last Name / First Name / Middle I.	Rank
[redacted]	[redacted]	DSG

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	H	511	215	[redacted]	○ EM ◉ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: East Los Angeles Station
Work Assignment (Unit #, Module, etc.): Unit 28E
Individual Force Used: Control Holds
○ Directed ○ Rescue ○ Medical Assist
Individual Category: ◉ 1 ○ 2 ○ 3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

E6

Employee #	Last Name / First Name / Middle I.	Rank
[redacted]	[redacted]	DSG

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	H	511	180	[redacted]	○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: East Los Angeles Station
Work Assignment (Unit #, Module, etc.): Unit 27F
Individual Force Used: Control Holds
○ Directed ○ Rescue ○ Medical Assist
Individual Category: ◉ 1 ○ 2 ○ 3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

E7

Employee #	Last Name / First Name	Middle I.	Rank
[redacted]	[redacted]		SGT

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	H	507	155	[redacted]	○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: East Los Angeles Station
Work Assignment (Unit #, Module, etc.): Unit 21S
Individual Force Used: Control Holds, Hobble
○ Directed ○ Rescue ○ Medical Assist
Individual Category: ◉ 1 ○ 2 ○ 3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

E__

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
○ M ○ F					○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment:
Work Assignment (Unit #, Module, etc.):
Individual Force Used:
○ Directed ○ Rescue ○ Medical Assist
Individual Category: ○ 1 ○ 2 ○ 3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

Supervisor's Report on Use of Force
SUSPECT INFORMATION

9 1 9 - 0 8 7 3 8 - 0 2 4 2 - 0 6 4

Suspect Information

S 1

Last Name: Ayala | First Name: Marwin | Middle Name: | Armed? Select: Other

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: H | Age: 28 | Height: 507 | Weight: 180 | D.O.B: 09/22/90 | Phone #1: ( ) H ( ) W ( ) C None | Phone #2: ( ) H ( ) W ( ) C None

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 5665979 | Primary Charge Code: 459 PC | Secondary Charge Code: 245(C) PC | [ ] Criminal History

Treated on Scene? (●) YES ( ) NO | Name: LA CO FIRE | Unit: ENG 22 | Phone #: 323-721-5886

Hospital Admission? [X] | Rec'd Treatment At: LCMC | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: Dr. Shen | Address: 2051 Marengo Street, Los Angeles | Phone #: 213-893-5081

Under Influence: (●) YES ( ) NO | Substance: CNS Stimulant | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 06/24/2019 | Time: 0959hrs | [ ] Audiotape: | [X] Videotape: | [ ] Photos of Injuries: | [X] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S _

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | [ ] Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S _

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | [ ] Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

919 - 08738 - 0242 - 064

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Castro	Daniel	S.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
East Los Angeles Station	Unit 20S	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Lares	Jonathan	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
East Los Angeles Station	Unit 27T	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Conde	Marlin	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
East Los Angeles Station	Unit 20B1	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
Gamboa	Joanna	(DMH Clinician)	n/a	n/a

Street Address	City	Zip Code	Phone #1	Phone #2
1441 Santa Anita Avenue MET	South El Monte	91733	6262583002	n/a

Last Name	First Name	Middle Name	Age	D.O.B.
Frescas	Michael	(LACFD Captain)	n/a	n/a

Street Address	City	Zip Code	Phone #1	Phone #2
903 South Eastern Avenue LACFD 3	Los Angeles	90022	3232694124	n/a

Last Name	First Name	Middle Name	Age	D.O.B.
Escamilla	Oscar	(LACFD Captain)	n/a	n/a

Street Address	City	Zip Code	Phone #1	Phone #2
928 South Gerhart Avenue LACFD 22	Commerce	90022	3237213886	n/a

Last Name	First Name	Middle Name	Age	D.O.B.
Palma	Robert	(LACFD Firefighter)	n/a	n/a

Street Address	City	Zip Code	Phone #1	Phone #2
928 South Gerhart Avenue LACFD 22	Commerce	90022	3237123886	n/a

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION - Continuation

919 - 08738 - 0242 - 064

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Cordova	Frederick	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Mental Health Team	Unit H918A4	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Ayala	S1	Magallanes	E1	UC	NN	NN
Ayala	S1	Vega	E2	OB	NN	NN
Ayala	S1	[redacted]	E3	HR	NN	NN
Ayala	S1	Magallanes	E1	HR	NN	NN
Ayala	S1	[redacted]	E4	RS	NN	NN
Ayala	S1	Vega	E2	HR	NN	NN
Ayala	S1	[redacted]	E3	RS	NN	NN
Ayala	S1	[redacted]	E5	RS	NN	NN
Ayala	S1	[redacted]	E6	RS	NN	NN
Ayala	S1	[redacted]	E7	RS	NN	NN
MagallaneS	E1	Ayala	S1	TR	SD	BK
Vega	E2	Ayala	S1	ST	SD, BR	BK, AR
Vega	E2	Ayala	S1	TR	SD	LE
[redacted]	E3	Ayala	S1	OC	NN	FA
[redacted]	E3	Ayala	S1	CT	NN	AR
[redacted]	E3	Ayala	S1	RH	NN	HD
[redacted]	E4	Ayala	S1	CT	NN	AR
[redacted]	E5	Ayala	S1	CT	NN	BK
[redacted]	E6	Ayala	S1	CT	NN	WR
[redacted]	E7	Ayala	S1	CT	NN	LE
[redacted]	E7	Ayala	S1	HB	NN	AK

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

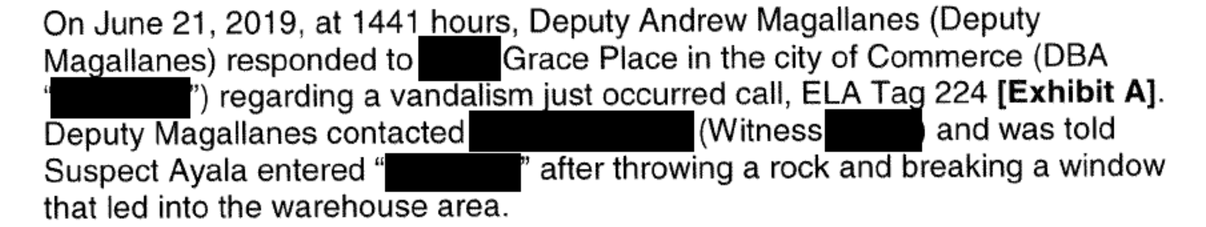
INCIDENT:	**Category 3 Use of Force** **Admittance to Hospital - Rhabdomyolysis**
IAB FILE NUMBERS:	**FO 2486507**
URN#:	**919-08738-0242-064**
DATE/TIME:	**June 21, 2019 / 1425 Hours**
LOCATION:	[redacted] **South Gerhart Avenue, Commerce**

SYNOPSIS

On June 24, 2019, Internal Affairs Bureau (IAB) Investigators responded to Inmate Reception Center (IRC) and contacted Inmate Marwin Ayala, booking #5665979 (Suspect Ayala). Suspect Ayala was involved in a force incident after being identified as a burglary suspect by East Los Angeles Station (ELA) personnel on June 21, 2019. The force was initially handled as a Category 2 incident based on the employment of a stun bag and Taser upon Suspect Ayala. Following the force incident, Suspect Ayala was transported to Los Angeles County Medical Center (LCMC) for treatment for his injuries. On June 22, 2019, Suspect Ayala was diagnosed with Rhabdomyolysis as a result of the force incident and he was admitted into the hospital.

> **IAB NOTE:** Rhabdomyolysis is a serious syndrome due to a direct or indirect muscle injury. It results from the death of muscle fibers and release of their contents into the bloodstream. [www.webmd.com]

IAB was notified of hospital admittance on June 23, 2019 **[Miscellaneous Documents]**. Suspect Ayala was discharged from LCMC on June 23, 2019.



On June 21, 2019, at 1441 hours, Deputy Andrew Magallanes (Deputy Magallanes) responded to [redacted] Grace Place in the city of Commerce (DBA "[redacted]") regarding a vandalism just occurred call, ELA Tag 224 **[Exhibit A]**. Deputy Magallanes contacted [redacted] (Witness [redacted]) and was told Suspect Ayala entered "[redacted]" after throwing a rock and breaking a window that led into the warehouse area.

While searching the surrounding area for Suspect Ayala, Deputy Magallanes was flagged down by an unidentified motorist. Deputy Magallanes was informed of a

male standing on the rooftop of [redacted] in the city of Commerce. The male on the rooftop was Suspect Ayala and he was acting erratically and throwing debris from the rooftop onto the street below. Deputy Magallanes requested and received backup from other ELA Station personnel, as well as Los Angeles County Fire Department (LACFD) personnel. An arrest team led by Sergeant [redacted] (Sergeant [redacted]) ascended to the rooftop of [redacted] with a ladder provided by LACFD, in an attempt to detain Suspect Ayala.

Suspect Ayala continued his erratic behavior and traveled north across intermittently adjoined rooftops until he reached [redacted] South Gerhart Avenue. Sergeant [redacted] and several deputies also traveled across the rooftops toward [redacted] South Gerhart Avenue.

> **IAB NOTE:** The rooftops were a collection of commercial and residential buildings consisting of single and two-story structures.

Suspect Ayala broke off building materials from the west facing roof facade and positioned himself on the now partially exposed wood framework. Mental Evaluation Team (MET) personnel responded and attempted to communicate with Suspect Ayala, but they were unsuccessful in gaining his cooperation. Suspect Ayala also refused to use a ladder provided to him by LACFD.

Suspect Ayala became assaultive when he armed himself with an approximate 6 foot, 2x4 piece of wood framing and swung it at Sergeant [redacted] Deputy [redacted] (Deputy [redacted]), and Deputy [redacted] (Deputy [redacted]). Sergeant [redacted] Deputy [redacted] and Deputy [redacted] (arrest team) were standing at the edge of the rooftop directly above Suspect Ayala. Suspect Ayala continued his assaultive behavior when he broke off a piece of wood framing and threw it at deputy and Fire Department personnel standing in front of [redacted] South Gerhart Avenue. At the direction of Sergeant Daniel Castro (Sergeant Castro), Deputy David Vega (Deputy Vega) employed four rounds from the stun bag which struck Suspect Ayala in his upper torso and left wrist. After being struck by the stun bag rounds, Suspect Ayala climbed onto the rooftop of [redacted] South Gerhart Avenue, toward the arrest team.

Sergeant [redacted] directed Deputy [redacted] to employ Oleoresin Capsicum spray (OC spray) upon Suspect Ayala as he was climbing on to the rooftop. Once on the rooftop, Suspect Ayala refused to cooperate by not following the commands to place his hands behind his back. Deputy Vega and additional ELA Station personnel responded to the rooftop via a ladder provided by LACFD. While on the rooftop, the arrest team and responding personnel struggled to gain control of Suspect Ayala who was refusing their commands and made an attempt to bite Deputy Magallanes' hand. Unaware of each other's actions, Deputy Magallanes and Deputy Vega both activated their Taser using the drive stun technique upon Suspect Ayala.

IAB NOTE: Drive stun technique is when the Taser operator removes the prong cartridge from the Taser, exposing the electrical current when the Taser is activated. Unlike when used with the prong cartridge attached, drive stun technique does not cause full body neuromuscular incapacitation.

After multiple drive stun activations by both Deputy Magallanes and Deputy Vega, Suspect Ayala was handcuffed by deputy personnel, and removed from the rooftop with assistance from LACFD personnel. All written reports documenting this incident were submitted with the case **[Exhibit B]**.

IAB NOTE: This incident lasted approximately three hours total.

IAB NOTE: IAB investigators were informed of several bystanders recording this incident with their cell phones. No deputy personnel on scene contacted those bystanders in an attempt to view what was captured. IAB investigators checked social media (YouTube, Instagram, Facebook) and were unable to locate recorded footage of this incident.

INVOLVED EMPLOYEES AND WORK HISTORY

Deputy Andrew Magallanes #[redacted]
Central Patrol Division
East Los Angeles Station

Work History:
Date of Sworn Employment: November 6, 2016
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents:

Equipment Worn On Person:
Firearm (Smith and Wesson, M&P, 9mm)
Flashlight
Handcuffs (Two sets)
Oleoresin Capsicum (OC) Spray
Portable Radio
Expandable baton
Magazine Ammo Case
Hobble
Tourniquet

Deputy David Vega #[redacted]
Central Patrol Division
East Los Angeles Station

Work History:
Date of Sworn Employment: February 3, 2013
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

Equipment Worn On Person:
Firearm (Smith and Wesson, M&P, 9mm)
Firearm (Smith and Wesson, revolver, .38 cal)
Tourniquet
Handcuffs (Two sets)
Oleoresin Capsicum (OC) Spray
Portable Radio
Expandable Baton
Magazine Ammo Case
Folding Knife
Hobble

Deputy [redacted] #[redacted]
Central Patrol Division
East Los Angeles Station

Work History:
Date of Sworn Employment: March 8, 2015
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

Equipment Worn On Person:
Firearm (Smith and Wesson, M&P, 9mm)
Tourniquet
Handcuffs (Two sets)
Oleoresin Capsicum (OC) Spray
Portable Radio
Hobble
Magazine Ammo Case

Deputy [redacted] #[redacted]
Central Patrol Division
East Los Angeles Station

Work History:
Date of Sworn Employment: March 8, 2015
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

Equipment Worn On Person:
Firearm (Smith and Wesson, M&P, 9mm)

Miniature Flashlight
Handcuffs (Two sets)
Oleoresin Capsicum (OC) Spray
Portable Radio
Magazine Ammo Case
Folding Knife

Deputy [redacted] #[redacted]
Central Patrol Division
East Los Angeles Station

Work History:
Date of Sworn Employment: November 1, 2007
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents:

Equipment Worn On Person:
Firearm (Smith and Wesson, M&P, 9mm)
Flashlight
Handcuffs (Two sets)
Oleoresin Capsicum (OC) Spray
Portable Radio
Magazine Ammo Case

Deputy [redacted] #[redacted]
Central Patrol Division
East Los Angeles Station

Work History:
Date of Sworn Employment: July 19, 2015
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents:

Equipment Worn On Person:
Firearm (Smith and Wesson, M&P, 9mm)
Firearm (Smith and Wesson, revolver, .38 cal)
Taser
Handcuffs (Two sets)
Oleoresin Capsicum (OC) Spray
Portable Radio
Hobble
Magazine Ammo Case
Folding Knife

Sergeant [redacted] #[redacted]
Central Patrol Division
East Los Angeles Station

Work History:
Date of Sworn Employment: February 3, 2013
Date Promoted to Sergeant: [redacted]
Prior Founded Force Incidents:

Equipment Worn On Person:
Firearm (Smith and Wesson, M&P, 9mm)
Handcuffs (One sets)
Oleoresin Capsicum (OC) Spray
Portable Radio
Magazine Ammo Case
Folding Knife
Hobble

PERSONNEL INJURIES

No ELA Station or LACFD personnel were injured during this incident.

SUSPECT INFORMATION

Marwin Ayala
Male, Hispanic, DOB: September 22, 1990, 5'07", 180 pounds
[redacted]
CII #[redacted], MAIN #[redacted]

Suspect Ayala's Consolidated Criminal History Report (CCHRS) was submitted with this case **[Miscellaneous Documents]**.

SUSPECT'S INJURIES

Suspect Ayala sustained bruising and abrasions to his right bicep, left forearm, lower right side of his back, and to his right calf and hamstring **[Exhibit C]**. Suspect Ayala was transported to LCMC to be treated for his injuries. At LCMC, Suspect Ayala was diagnosed and admitted for Rhabdomyolysis as a result of this use of force incident.

PHYSICAL EVIDENCE

None

INVESTIGATOR'S OBSERVATIONS

No on-scene observations were made due to this incident not initially requiring an IAB response. Photographs of the area where the force occurred, taken on the day of the incident by ELA Station personnel, were submitted with this case **[Exhibit D].**

CRIMINAL INVESTIGATION AND CHARGES FILED

The criminal investigation was handled by East Los Angeles Station Detective Raymond Mendoza, #[redacted] The District Attorney's Office filed a misdemeanor count of 241(c) P.C., Assault Upon a Peace Officer, and 594(a) P.C., Vandalism, under case number 9ES04780. Suspect Ayala was convicted of these charges on October 28, 2019. A copy of the minute order was submitted with this case **[Miscellaneous Documents]**.

LIGHTING AND WEATHER CONDITIONS

The incident occurred during the afternoon with clear skies. Weather was not a factor.

INVESTIGATION

The following narratives are intended only as a synopsis of the interviews conducted by IAB investigators. For more information and precise wording, see the attached verbatim interview transcriptions.

WITNESS INTERVIEWS

SERGEANT DANIEL CASTRO

On January 13, 2020, IAB Sergeants Ray Jones and Alfredo Salazar interviewed Sergeant Daniel Castro (Sergeant Castro). A second interview with Sergeant Castro was conducted on February 17, 2020, with IAB Sergeants Ray Jones and Adrian Guillen. Both interviews occurred at Internal Affairs Bureau. Sergeant Castro was represented by Professional Peace Officer Association Labor Representative Teresa O'Neil for both interviews. The following is a summary of the interview:

Sergeant Castro was ELA Unit 20S/P and responded as the field supervisor to Gerhart Avenue in the city of Commerce. Sergeant Castro arrived on scene and was informed by Deputy Magallanes of a vandalism suspect (Suspect Ayala) who was on a rooftop. Suspect Ayala had recently committed a vandalism to a business in the area and would not come down from the rooftop. After gathering more information from Deputy Magallanes, Sergeant Castro determined Suspect Ayala was actually a burglary suspect. Suspect Ayala's identification as being

the burglary suspect was confirmed by a witness from the burglarized business. Deputy Magallanes set up a containment around Suspect Ayala. The containment included units in the alley east of Gerhart Avenue, a unit on Gerhart Avenue just north of Olympic Boulevard, and a unit on Gerhart Avenue at Grace Place.

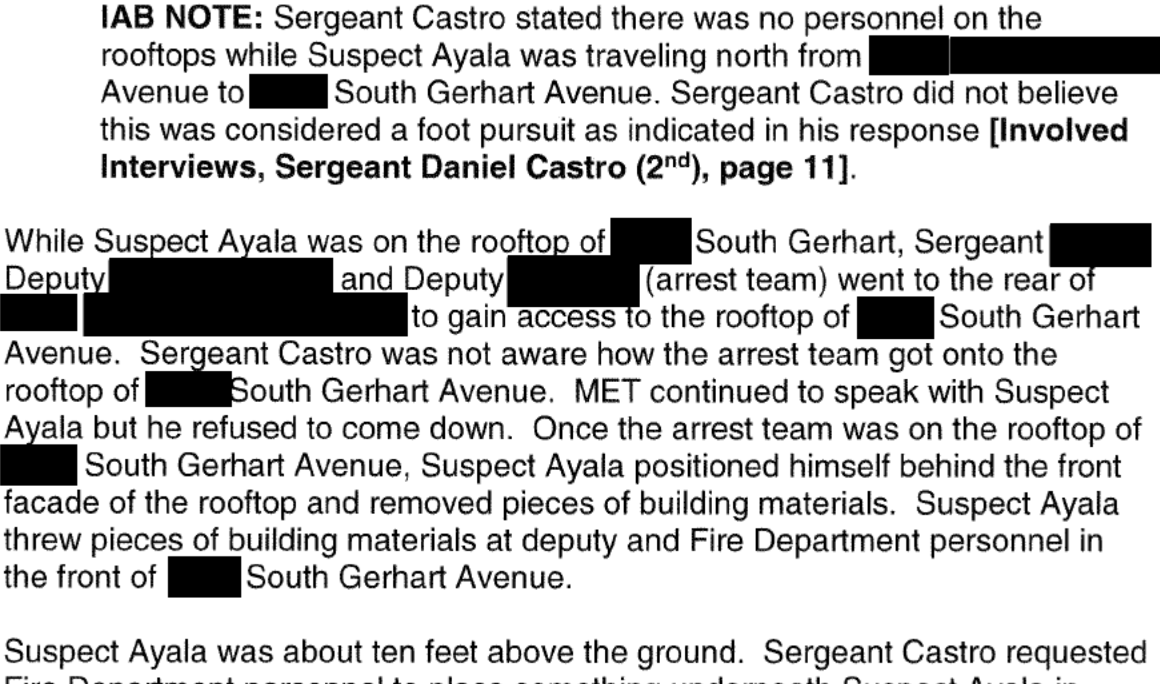
Sergeant Castro said Suspect Ayala was on the rooftop "flailing his arms, gave the middle finger to the helicopter (LASD Airship), the deputies on the ground, and he was yelling obscenities." Suspect Ayala was about thirty feet above the ground on the roof of [redacted] as seen in **[Exhibit D, Image 7]**. Suspect Ayala became agitated, continued to ignore commands from deputy personnel, and then "jumped" on the roof north of his location. LACFD was requested and arrived on scene. Sergeant Castro coordinated with Fire Department personnel in placing ladders near Suspect Ayala to provide him the ability to come down voluntarily.

Sergeant Castro stated MET was requested via radio shortly after he arrived on scene **[Miscellaneous Documents, CD, radio traffic, L-Tac 6 @ 01:20:35]**. While waiting for MET's arrival, both deputy and Fire Department personnel tried to convince Suspect Ayala to come down. Suspect Ayala traveled back and forth from [redacted] over the adjoining rooftops to the north. Suspect Ayala continued his agitated behavior and ignored all commands that were given.

LASD Airship was over the scene and advised deputy personnel to use caution, because Suspect Ayala was ripping off roofing material and throwing it to the streets. Sergeant Castro directed deputy personnel to move a gathering of citizens to the east side of Gerhart Avenue and out of harm's way. Sergeant Castro and Sergeant [redacted] discussed a tactical plan of sending personnel onto the rooftops. The plan was to funnel Suspect Ayala north across the rooftops onto a single-story structure ([redacted] South Gerhart Avenue).

> **IAB NOTE:** Sergeant Castro stated prior to Suspect Ayala reaching the rooftop of [redacted] South Gerhart Avenue, the front facade was completely intact which made it appear the rooftop was flat **[Exhibit D, Image 2]**.

When MET arrived, Suspect Ayala was "mid block on Gerhart between [redacted] and [redacted] **[as noted in Exhibit E, Image 4]**. Suspect Ayala moved north across the rooftops toward [redacted] South Gerhart Avenue. MET was trying to communicate with Suspect Ayala while he was moving across the rooftops. Sergeant Castro and deputy personnel tracked Suspect Ayala while on Gerhart Avenue. Once Suspect Ayala reached the rooftop of [redacted] South Gerhart Avenue, Sergeant Castro decided to enact the discussed plan. Sergeant Castro said, "Now is the time for us to go. Someone's got to get up on the roof because now we have him contained to these two smaller single-story structures."



IAB NOTE: Sergeant Castro stated there was no personnel on the rooftops while Suspect Ayala was traveling north from [redacted] [redacted] Avenue to [redacted] South Gerhart Avenue. Sergeant Castro did not believe this was considered a foot pursuit as indicated in his response **[Involved Interviews, Sergeant Daniel Castro (2nd), page 11]**.

While Suspect Ayala was on the rooftop of [redacted] South Gerhart, Sergeant [redacted] Deputy [redacted] and Deputy [redacted] (arrest team) went to the rear of [redacted] [redacted] to gain access to the rooftop of [redacted] South Gerhart Avenue. Sergeant Castro was not aware how the arrest team got onto the rooftop of [redacted] South Gerhart Avenue. MET continued to speak with Suspect Ayala but he refused to come down. Once the arrest team was on the rooftop of [redacted] South Gerhart Avenue, Suspect Ayala positioned himself behind the front facade of the rooftop and removed pieces of building materials. Suspect Ayala threw pieces of building materials at deputy and Fire Department personnel in the front of [redacted] South Gerhart Avenue.

Suspect Ayala was about ten feet above the ground. Sergeant Castro requested Fire Department personnel to place something underneath Suspect Ayala in case he fell. Fire Department personnel deployed a debris bag underneath Suspect Ayala.

IAB NOTE: Sergeant Castro described a debris bag as a "large tarp that's super strong that can catch somebody falling." A debris bag is held by Fire Department personnel when used in this manner.

Fire Department personnel held the debris bag underneath Suspect Ayala, and he swung a piece of wood (2x4) at them. **Exhibit D, Image 5** shows Suspect Ayala with the 2x4 he swung at Fire Department personnel. Sergeant Castro directed Deputy Vega to deploy a stun bag. Sergeant Castro directed the employment of the stun bag when Suspect Ayala again swung the 2x4 at Fire Department personnel. Fire Department personnel were within six feet of Suspect Ayala.

Deputy Vega employed four stun bag rounds which struck Suspect Ayala in the upper torso and lower back. Sergeant Castro stated each round appeared to be ineffective because Suspect Ayala never relinquished the 2x4. After being struck by the fourth stun bag round, Suspect Ayala placed the 2x4 on the roof, and then climbed onto the roof in the direction of the arrest team. Sergeant Castro could not see what was happening on the roof but could hear members of the arrest team requesting a Taser and yelling, "Stop fighting!"

Fire Department personnel placed a ladder on the south side of [redacted] South Eastern Avenue in the yard of the blue house **[as noted in Exhibit E, Image 2]**. Sergeant Castro climbed up the ladder because he was fearful Sergeant [redacted] who was closed to the edge, would fall off the roof. Once at the top of the ladder,

Sergeant Castro heard the cycling of a Taser being activated. Sergeant Castro did not see who was operating the Taser or the actions of the approximate four to five deputies on the roof. Sergeant Castro stated he was focused on keeping Sergeant [redacted] from falling off the roof.

> **IAB NOTE:** Sergeant Castro stated he had his head against Sergeant [redacted] buttocks and was pushing him forward while personnel were trying to control Suspect Ayala. Sergeant Castro was still on the ladder and not on the roof. Sergeant Castro stated he only saw Suspect Ayala laying on his stomach and several deputies around him.

> **IAB NOTE:** Sergeant Castro stated he was not concerned about the Taser being employed on Suspect Ayala while on the roof. Sergeant Castro said there were enough deputies to keep Suspect Ayala safe from falling off the roof.

Sergeant Castro did not see who or how Suspect Ayala was controlled and handcuffed. Sergeant Castro did not step off the ladder and onto the roof until he heard someone say, "Code-4. He's hooked." Sergeant Castro was not aware if Suspect Ayala was hobbled. Fire Department personnel provided a canvas material which deputy personnel used to wrap around Suspect Ayala like a "burrito." Suspect Ayala was guided down the ladder with the assistance of Fire Department personnel. Sergeant Castro did not observe any injuries to Suspect Ayala or deputy personnel. Sergeant Castro held a debriefing with deputy personnel following the incident.

Sergeant Castro spoke with Dr. Shin on June 23, 2019, at LCMC regarding the health of Suspect Ayala. Dr. Shin informed him that Suspect Ayala was admitted for Rhabdomyolysis. Dr. Shin said the "high amounts of methamphetamine use and alcohol intoxication," coupled with the contributing factor of the employment of the stun bag and Taser, triggered the Rhabdomyolysis within Suspect Ayala.

DEPUTY JONATHAN LARES

On February 6, 2020, IAB Sergeants Ray Jones and Jeremy Carr interviewed Deputy Jonathan Lares (Deputy Lares) at Internal Affairs Bureau. Deputy Lares was represented by Attorney William Hadden from Rains Lucia Stern St. Phalle & Silver. The following is a summary of the interview:

Deputy Lares was assigned as ELA Unit 27T/P. Deputy Lares was the assisting unit on Deputy Magallanes' initial vandalism call on Grace Place. While searching the area, Deputy Lares was informed of Suspect Ayala being on a rooftop on Gerhart Avenue. Deputy Lares saw Suspect Ayala on the rooftop **[as noted in Exhibit F, Image 4].** Suspect Ayala was jumping rooftops, traveling north across several buildings. Deputy Lares was directed by Deputy Magallanes to contact a witness from "[redacted]" on Grace Place. Deputy Lares

contacted Witness [redacted] who confirmed the identity of Suspect Ayala during a field show-up.

After confirming the identity of Suspect Ayala, Deputy Lares moved to the front of [redacted] South Gerhart Avenue with Deputy Vega and a group of other deputies in the street **[as noted in Exhibit F, Image 1]**. Suspect Ayala had positioned himself behind the front facade of the building and began removing pieces of building materials. Fire Department personnel placed a ladder on the west side of [redacted] South Gerhart Avenue to provide Suspect Ayala the access to come down. Suspect Ayala refused to come down and threw pieces of wood at deputies standing in the street.

Deputy Vega responded to Suspect Ayala's assault by firing four stun bag rounds at him. Suspect Ayala was struck in the upper torso **[Witness Interviews, Deputy Jonathan Lares, page 24-28]**. Suspect Ayala climbed from the facade onto the rooftop. There were several deputies on the rooftop, but Deputy Lares did not know who the deputies were. Deputy Lares relocated to the south side of [redacted] South Gerhart Avenue and held a ladder for deputy personnel to ascend to the rooftop **[as noted in Exhibit F, Image 2]**.

Deputy Lares did not see what was happening on the roof but did hear the sound of a Taser being activated. He also heard someone say, "Put your hands behind your back." Deputy Lares held the ladder as assisting deputy and Fire Department personnel went up to the roof. Suspect Ayala was wrapped in a "blanket" and guided down the ladder. Deputy Lares accompanied Suspect Ayala in the back of the ambulance as he was being transported to the hospital. Deputy Lares observed bruising to Suspect Ayala's arm but he could not remember which arm. At the hospital, Deputy Lares was informed by Dr. Habernum that Suspect Ayala had "approximately an inch bruising and abrasions to his right arm, left forearm, and middle back."

DEPUTY MARLIN CONDE

On February 5, 2020, IAB Sergeants Ray Jones and Jeremy Carr interviewed Deputy Marlin Conde (Deputy Conde) at ELA Sheriff's Station. Deputy Conde did not have representation during her interview. The following is a summary of the interview:

Deputy Conde was assigned as ELA Unit 20B1/P with Deputy [redacted] Upon arrival at [redacted] Deputy Conde saw Suspect Ayala on the roof of a building **[as noted in Exhibit G, Image 4]**. Suspect Ayala jumped back and forth across rooftops, threw building materials off the roof, and yelled profanities at personnel on the ground. Sergeants [redacted] and Castro were present while deputies tried to communicate with Suspect Ayala. Deputy Conde was present at a briefing lead by the sergeants which discussed how to handle the situation.

Deputy Conde was part of an arrest team to be led by Sergeant [redacted] to go onto the roof to try and talk with Suspect Ayala. The arrest team utilized a ladder to ascend to the rooftop just south of Suspect Ayala's location **[as noted in Exhibit G, Image 4]**. Suspect Ayala moved north across the rooftops as the arrest team made it up to the rooftop. The arrest team followed Suspect Ayala north across the rooftops. Deputy Conde said she did not feel comfortable jumping rooftops when the gap between rooftops got bigger **[Miscellaneous Documents]**. "Sergeant [redacted] Deputy [redacted] and a couple other deputies continued following the suspect" **[Witness Interviews, Deputy Marlin Conde, pages 11-13]**.

Suspect Ayala traveled north to the rooftop of [redacted] South Gerhart Avenue. Deputy Conde back tracked south across the rooftops and descended the same ladder she used to get up onto the rooftop. Deputy Conde responded to the front of [redacted] South Gerhart Avenue. Deputy and Fire Department personnel communicated with Suspect Ayala in an effort to get him to come down. Fire Department personnel placed ladders on the west and south side of [redacted] South Gerhart Avenue to provide Suspect Ayala an access to come down **[as noted in Exhibit G, Image 1]**. Suspect Ayala wedged himself behind the front facade and removed building materials and threw them in the direction of personnel on the ground.

Deputy Conde and a firefighter were directly underneath Suspect Ayala holding the ladder that was on the west side of [redacted] South Gerhart Avenue. Suspect Ayala armed himself with a piece of wood that was about thirty inches long with nails protruding from one end. Fire Department personnel held a "strong mesh bag" underneath Suspect Ayala in case he fell. When Suspect Ayala continued to throw building material at personnel, Sergeant Castro directed Deputy Vega to employ the stun bag. Deputy Vega employed two rounds at Suspect Ayala which hit Suspect Ayala in his upper torso.

After being hit by the stun bag rounds, Suspect Ayala climbed onto the roof of [redacted] South Gerhart Avenue toward the arrest team. Deputy Conde could not see the roof from her position but heard the arrest team giving commands to Suspect Ayala. She also smelled OC spray in the air but did not see who employed it. Deputy Conde relocated her position to the ladder on the south side of [redacted] South Gerhart Avenue **[as noted in Exhibit F, Image 3]**.

Deputy Conde climbed up the ladder and saw Suspect Ayala on his stomach about six feet from the south rooftop edge. Suspect Ayala did not cooperate with the arrest team. Suspect Ayala kicked his legs and flailed his body while they tried to control him with firm grips. Deputy Conde heard a deputy say, "Hey, we need a mask, he's trying to bite." Deputy Conde heard the sound of a Taser being employed but did not see who employed the Taser. Suspect Ayala was handcuffed and guided down the south side ladder with the assistance of Fire

Department personnel **[Witness Interviews, Deputy Marlin Conde, pages 27-30]**.

> **IAB NOTE:** Following this incident, Deputy Conde advised Sergeant [redacted] of the force she witnessed. She stated Sergeant [redacted] did not direct her to document her observations. Deputy Conde did not write a supplemental report regarding what she witnessed during this incident.

DEPUTY FREDERICK CORDOVA

On November 14, 2019, IAB Sergeants Ray Jones and Connie Delgado interviewed Deputy Frederick Cordova (Deputy Cordova) at the Mental Evaluation Team office located at 1441 Santa Anita Avenue in the city of South El Monte. Deputy Cordova did not have representation during his interview. The following is a summary of the interview:

Deputy Cordova was assigned to MET Unit H918A and responded to Gerhart Avenue with his partner, Clinician Joanna Gamboa (Clinician Gamboa). Upon arrival, Deputy Cordova spoke with Deputy Magallanes and was asked if MET could speak with Suspect Ayala. Suspect Ayala was on a rooftop yelling profanities and not responding to the deputies on the ground who were trying to communicate with him. Suspect Ayala paced back and forth across several rooftops. Deputy Cordova tried speaking with Suspect Ayala, but he would not respond. Deputy Cordova used the loud speaker from a patrol vehicle when speaking with Suspect Ayala. When Suspect Ayala moved north across the rooftops, Deputy Cordova exited the patrol vehicle and spoke to him without the loud speaker. Suspect Ayala continued to yell incoherently and was unresponsive to Deputy Cordova's attempts to "engage" with him.

Suspect Ayala ripped off materials from the roof and threw them on to the ground below, toward deputy and Fire Department personnel. Deputy Cordova advised Deputy Magallanes that Suspect Ayala was not responding to him and refused orders to come down. After meeting with Deputy Magallanes, Deputy Cordova stated that several deputies went onto the rooftops to "keep an eye on Suspect Ayala." Suspect Ayala moved north across the rooftops to [redacted] South Gerhart Avenue. Suspect Ayala positioned himself behind the front facade of [redacted] South Gerhart Avenue and began ripping off pieces of building materials.

Deputy Cordova stood with other deputy personnel on Gerhart Avenue approximately twenty feet in front of [redacted] South Gerhart Avenue. He directed Clinician Gamboa to the west side of Gerhart Avenue and out of harm's way. Fire Department personnel placed ladders on the west and south sides of [redacted] South Gerhart Avenue and tried to convince Suspect Ayala to come down. Suspect Ayala continued to yell incoherently. He ripped off a long piece of wood and swung it at the deputies that were on the roof of [redacted] South Gerhart Avenue.

Deputy Cordova stated he did not witness force applied during this incident because he walked over to communicate with Clinician Gamboa on the west side of Gerhart Avenue. Deputy Cordova believed there was a struggle on the roof because he saw deputies hunched over and "possibly handcuffing" Suspect Ayala. Deputy Cordova also stated he did not hear sounds consistent with a stun bag or Taser being employed **[Witness Interviews, Deputy Frederick Cordova, pages 32-34]**.

CLINICIAN JOANNA GAMBOA

On November 14, 2019, IAB Sergeants Ray Jones and Connie Delgado interviewed Clinician Joanna Gamboa (Clinician Gamboa) at the Mental Evaluation Team office located at 1441 Santa Anita Avenue in the city of South El Monte. The following is a summary of the interview:

Clinician Gamboa is a licensed social worker with MET. She responded with her partner, Deputy Cordova, to ELA regarding an individual on a roof. When they arrived, Clinician Gamboa saw Suspect Ayala moving across several rooftops **[as noted in Exhibit H]**. Deputy personnel tried to communicate with Suspect Ayala, but he refused to cooperate with them. Clinician Gamboa was asked to communicate with Suspect Ayala in Spanish. Clinician Gamboa used the loud speaker in a patrol car in an attempt to talk to Suspect Ayala in Spanish. Suspect Ayala incoherently responded in English while pacing back and forth across several rooftops. While on the rooftops, Suspect Ayala ripped off roofing materials and threw them on to the street below. To her knowledge, no personnel on scene were hit by the items being thrown off the roof.

Clinician Gamboa was unable to make an assessment of Suspect Ayala, because he would not "engage" with her. Suspect Ayala positioned himself behind the front facade of [redacted] South Gerhart Avenue and began ripping off pieces of building material. Clinician Gamboa removed herself from attempting to communicate with Suspect Ayala, because he became increasingly agitated and the situation became unsafe for her. Clinician Gamboa moved to the west sidewalk of Gerhart Avenue.

> **IAB NOTE:** While on the sidewalk, Clinician Gamboa stated an unknown male bystander next to her appeared to record the incident on his cell phone.

Fire Department personnel placed a ladder in the yard on the south side of [redacted] South Gerhart Avenue. Deputy and Fire Department personnel told Suspect Ayala to come down the ladder, but he refused to cooperate. Suspect Ayala grabbed a piece of wood from the building and swung it toward personnel on the ground in front of [redacted] South Gerhart Avenue. Clinician Gamboa saw deputy personnel employ a "long gun looking type that was gray and yellow" (stun bag). At that point, Clinician Gamboa turned her back on the situation as she did not

want to see what was about to happen. She heard multiple shots being fired but was not aware if it was from the stun bag. Clinician Gamboa heard a "commotion" going on behind her. Once the "commotion" sound was over, Clinician Gamboa turned back toward the incident location and saw Suspect Ayala being guided down the ladder on the south side of [redacted] South Gerhart Avenue.

LACFD CAPTAIN OSCAR ESCAMILLA

On November 19, 2019, IAB Sergeants Ray Jones and Iris Alvarez interviewed Captain Oscar Escamilla (Captain Escamilla) at LACFD Station 22 located at 928 South Gerhart Avenue in the city of Commerce. The following is a summary of the interview:

Captain Escamilla and personnel from LACFD Station 22 responded to Gerhart Avenue to provide Sheriff's Department personnel access to a ladder. When Captain Escamilla arrived on scene, he saw Suspect Ayala "jumping back and forth from one roof to another." Captain Escamilla was asked by a deputy for access to a ladder in order to get Suspect Ayala off the rooftop. Captain Escamilla requested a Quint fire truck from LACFD Station 3 (Quint 3) because his fire truck did not have a long enough ladder to reach the rooftop.

> **IAB NOTE:** A Quint fire truck serves the dual purpose as a fire engine and ladder truck.

Captain Escamilla said deputy personnel communicated with Suspect Ayala who was pacing back and forth on the rooftop. Quint 3 arrived and Fire Department personnel placed a ladder against the building Suspect Ayala was standing on **[as noted in Exhibit I, Image 4]**. Captain Escamilla said Suspect Ayala seemed agitated and moved around on the rooftop once the ladder was placed against the building. Suspect Ayala jumped rooftop to rooftop while traveling northbound across several buildings. Suspect Ayala traveled north across the rooftops "until he got to the last building of [redacted] Gerhart."

At the request of deputy personnel, Fire Department personnel placed a ladder on the south side of [redacted] South Gerhart Avenue which deputy personnel used to access the rooftop. Captain Escamilla said he saw about six deputies ascend onto the rooftop. Once deputy personnel went up on the rooftop, Suspect Ayala hid behind the facade on the west side of the building. Suspect Ayala broke off pieces of building material and threw them at deputies standing in front of [redacted] South Gerhart Avenue. At the direction of deputy personnel, Fire Department personnel placed a ladder on the west side of [redacted] South Gerhart Avenue with the intention Suspect Ayala would use it to climb down.

Suspect Ayala kicked the west ladder away and refused the commands being given by deputy personnel. A debris bag was set up by Fire Department personnel to be placed underneath Suspect Ayala in case he fell.

> **IAB NOTE:** Placement of the debris bag and ladder on the west side of [redacted] South Gerhart Avenue is noted in **Exhibit I, Image 1**.

While the debris bag was being set up, Suspect Ayala armed himself with a 2x4 that was approximately six feet long. Suspect Ayala swung the 2x4 at deputy and Fire Department personnel. Deputy personnel used a "bean bag" (stun bag) on Suspect Ayala as he swung the 2x4. Captain Escamilla heard about six shots being fired from the stun bag. Suspect Ayala was hit on his side and back. After being hit by the last stun bag round, Suspect Ayala climbed onto the rooftop where he was met by deputy personnel. Captain Escamilla did not see what happened once Suspect Ayala was on the rooftop with deputy personnel. Suspect Ayala was wrapped in the debris bag then guided down the ladder on the south side of [redacted] South Gerhart Avenue by deputy and Fire Department personnel. Once off the roof, Suspect Ayala was transported to the hospital.

LACFD FIREFIGHTER ROBERT PALMA

On November 19, 2019, IAB Sergeants Ray Jones and Iris Alvarez interviewed Firefighter Robert Palma (Firefighter Palma) at LACFD Station 22 located at 928 South Gerhart Avenue in the city of Commerce. The following is a summary of the interview:

Firefighter Palma said he saw Suspect Ayala standing on a rooftop **[as noted in Exhibit J, Image 4]** once he arrived on scene with personnel from LACFD Station 22. Deputy personnel appeared to be trying to communicate with Suspect Ayala but Firefighter Palma could not hear what was being said. Deputy personnel requested the use of a ladder which was obtained by Quint 3 at the direction of Captain Escamilla. Quint 3 took approximately thirty minutes to arrive.

Suspect Ayala moved north on rooftops **[as indicated in Exhibit J, Image 4]**. Firefighter Palma helped other Fire Department personnel with the placement of ladders against the buildings. Suspect Ayala moved back and forth across several rooftops yelling profanities and "kind of just being agitated and irate." Suspect Ayala moved north until he reached the rooftop of [redacted] South Gerhart Avenue. Suspect Ayala wedged himself behind the front facade and "yelled profanities at everybody" and became "more agitated." Firefighter Palma saw two deputies on the rooftop of [redacted] South Gerhart Avenue.

> **IAB NOTE:** Firefighter Palma was standing in the yard south of [redacted] South Gerhart Avenue about ten feet from Suspect Ayala.

Suspect Ayala kicked away a ladder that was placed on the west side of [redacted] South Gerhart Avenue. Suspect Ayala refused the commands by deputy personnel to climb down the ladder on the west side of [redacted] South Gerhart Avenue. Suspect Ayala armed himself with a 2x4 that was about six feet in length with had a nail protruding from the end **[Exhibit J, Image 5]**. Suspect Ayala swung the 2x4 at Firefighter Palma and other Fire Department personnel who were standing approximately six feet in front of [redacted] South Gerhart Avenue.

Firefighter Palma heard "three pops" after Suspect Ayala swung the 2x4. Firefighter Palma realized the pops he heard were from deputy personnel employing a "bean bag" (stun bag). Suspect Ayala was hit twice in the right rib cage. Firefighter Palma lost sight of Suspect Ayala when he climbed onto the rooftop after being hit by the last stun bag round **[as indicated by the third noted location in Exhibit J, Image 1]**.

Firefighter Palma placed a ladder on the south side of [redacted] South Gerhart Avenue, which allowed several deputy personnel access to the rooftop. Firefighter Palma did not go up the ladder but heard what sounded like a "scuffle," and deputies on the roof telling Suspect Ayala to calm down. Firefighter Palma went up the ladder and saw Suspect Ayala was in handcuffs and "black webbing" around his ankles. Even though Suspect Ayala was handcuffed, he was still "very agitated" and not cooperating with deputy personnel. Firefighter Palma assisted in placing Suspect Ayala in the debris bag and escorting him down the ladder and off the roof. Firefighter Palma did not see or hear the employment of a Taser and only smelled the presence of OC spray emitting from Suspect Ayala's person.

LACFD CAPTAIN MICHAEL FRESCAS

On February 7, 2020, IAB Sergeant Ray Jones conducted a telephonic interview with Captain Michael Frescas (Captain Frescas). The following is a summary of the interview:

Captain Frescas is the captain of LACFD Station 3. Captain Frescas responded to Gerhart Avenue per a request for access to his unit's ladders. Upon arrival, Captain Frescas noticed Suspect Ayala yelling incoherently while traveling across several rooftops. Fire Department personnel placed several ladders against several buildings to provide Suspect Ayala the opportunity to come down voluntarily as he traveled north across rooftops. Captain Frescas stated he did not see deputy personnel on the rooftops following Suspect Ayala.

Suspect Ayala traveled north until he reached the rooftop of [redacted] South Gerhart Avenue. Suspect Ayala positioned himself behind the front, west facing facade of [redacted] South Gerhart Avenue. Deputy personnel tried to communicate with Suspect Ayala but. Fire Department personnel placed a ladder on the west side of [redacted] South Gerhart Avenue. Suspect Ayala kicked away the ladder multiple

times and began breaking off pieces of building material. Suspect Ayala broke off a 2x4 and jabbed it at the Fire Department personnel who were holding the ladder. Suspect Ayala then threw a piece of wood at deputy personnel in front of [redacted] South Gerhart Avenue. A deputy employed a "beanbag" (stun bag) multiple times at Suspect Ayala.

> **IAB NOTE:** Captain Frescas stated the debris bag was not fully deployed underneath Suspect Ayala prior to the employment of the stun bag.

After being hit by the stun bag, Suspect Ayala climbed onto the rooftop. Captain Frescas did not see what happened on the roof as he was directing his firemen to relocate a ladder to the south side of [redacted] South Gerhart Avenue. Captain Frescas climbed up the ladder onto the roof and saw Suspect Ayala was already handcuffed. Captain Frescas directed deputy personnel on the roof on using the debris bag to get Suspect Ayala off the roof.

WITNESS [redacted]

On February 7, 2020, IAB Sergeant Ray Jones conducted a telephonic interview with Witness [redacted] (Witness [redacted]). The following is a summary of the interview:

Witness [redacted] is an [redacted] at [redacted] and saw Suspect Ayala inside the business. She was contacted by a deputy and taken to Gerhart Avenue to identify Suspect Ayala during a field show up. Suspect Ayala was on the rooftop of [redacted] South Gerhart Avenue when she confirmed his identity.

> **IAB NOTE:** The field show up with Witness [redacted] was conducted while she was at the rear door of [redacted]. The rear door of [redacted] is on the west side of Gerhart Avenue directly across from [redacted] South Gerhart Avenue.

Witness [redacted] said there were two or three deputies on the same roof as Suspect Ayala. Suspect Ayala positioned himself behind the front facade and began breaking off pieces of the building. Deputy personnel tried to talk Suspect Ayala down but he did not cooperate with them. Suspect Ayala threw pieces of wood toward personnel, who were on Gerhart Avenue. Witness [redacted] stated deputy personnel shot Suspect Ayala with "rubber balls" (stun bag). She was not sure how many shots were fired but stated Suspect Ayala was hit.

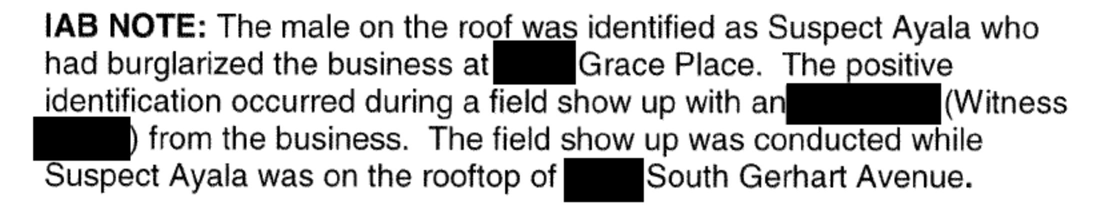
Suspect Ayala climbed onto the rooftop where they "tackled him down. I'm assuming they couldn't really keep him down and that's when they had to Taser him." Witness [redacted] did not actually see Suspect Ayala being tased, but she saw a deputy with a Taser and heard Suspect Ayala scream. After she heard Suspect Ayala scream, Witness [redacted] said she was directed to another location by deputy personnel. Witness [redacted] no longer had a visual of the rooftop.

INVOLVED INTERVIEWS

DEPUTY ANDREW MAGALLANES

On February 3, 2020, IAB Sergeants Ray Jones and Jeremy Carr interviewed Deputy Andrew Magallanes (Deputy Magallanes) at Internal Affairs Bureau. Deputy Magallanes was represented by Attorney Elizabeth Gibbons from The Gibbons Firm. The following is a summary of the interview:

On June 21, 2019, Deputy Magallanes was assigned as ELA Unit 27/P. He responded as the handling unit to [redacted] Grace Place in the city of Commerce for a burglary just occurred call. Deputy Magallanes contacted several employees at the location and confirmed that a crime of burglary had occurred. Deputy Magallanes obtained a physical description of the suspect and proceeded to search the area. While driving southbound on Gerhart Avenue, Deputy Magallanes was flagged down by an unidentified motorist. Deputy Magallanes was informed there was a male standing on the rooftop of a building on Gerhart Avenue. Deputy Magallanes looked at the rooftop the motorist was referring to and saw a male matching the description provided by the employees on his burglary just occurred call. With the help of assisting units, including Aero Bureau, Deputy Magallanes set up a containment and began communications with the male on the rooftop who was later identified as Suspect Ayala.



IAB NOTE: The male on the roof was identified as Suspect Ayala who had burglarized the business at [redacted] Grace Place. The positive identification occurred during a field show up with an [redacted] (Witness [redacted]) from the business. The field show up was conducted while Suspect Ayala was on the rooftop of [redacted] South Gerhart Avenue.

Deputy Magallanes requested the Mental Evaluation Team (MET) to assist in communications with Suspect Ayala. Deputy Magallanes also designated five assisting personnel as an arrest team, which included Sergeant [redacted] Deputy Magallanes stated Suspect Ayala was "acting very strange" and was "possibly under the influence or having an unknown mental condition." Deputy Magallanes based his assessment from working with the mentally ill while assigned to Custody Division. Deputy Magallanes stated Sergeant Castro was present.

Suspect Ayala was pacing and "traveling" across adjoining rooftops while Deputy Magallanes communicated with him. Deputy Magallanes requested LACFD to use their ladders to climb up to the rooftop where Suspect Ayala was standing. Deputy Magallanes initially stated no personnel was on the rooftop with Suspect Ayala prior to the arrival of MET. He corrected himself and stated a team was sent up onto the rooftop prior to MET's arrival to take Suspect Ayala into custody. A briefing occurred, in the presence of at least Sergeant Castro, which discussed the roles of those going onto the roof. Deputy Magallanes and a contact team went up onto the rooftop with Suspect Ayala **[as noted in Exhibit K, Image 4]**.

IAB NOTE: Deputy Magallanes stated the contact team consisted of himself, Sergeant [redacted] Deputy [redacted] Deputy [redacted] and two additional personnel who he could not remember. The decision to go onto the roof was due to Suspect Ayala damaging the air conditioning unit on the roof and potentially arming himself with pieces of metal. The contact team ascended to the rooftop of [redacted]

Suspect Ayala continued north across the rooftops as the contact team climbed up the ladder. Suspect Ayala continued north across the rooftops until he reached the rooftop of [redacted] South Gerhart Avenue. Only Sergeant [redacted] Deputy [redacted] and Deputy [redacted] of the contact team continued onto the rooftop of [redacted] South Gerhart Avenue. Deputy Magallanes descended from the rooftop and responded to the front of [redacted] South Gerhart Avenue.

MET arrived and began communications with Suspect Ayala. After speaking with Suspect Ayala for approximately thirty minutes, MET advised Deputy Magallanes "there was no way to talk him down and rationalize with him." MET also stated "they didn't think that he was under some sort of mental condition."

IAB NOTE: Deputy Magallanes was not clear on when MET arrived or if their entire assessment of Suspect Ayala was done at [redacted] South Gerhart Avenue.

Suspect Ayala could no longer travel north on the rooftops and began "tearing apart the rooftop and getting 2x4's (building materials)" and throwing them at deputy personnel. Fire Department personnel placed a ladder on the south side of [redacted] South Gerhart Avenue **[as noted in Exhibit K, Image 1]**. Suspect Ayala ignored commands to come down and pushed the ladder away multiple times. Suspect Ayala grabbed pieces of building material from the front facade of [redacted] South Gerhart Avenue and threw them at both deputy and Fire Department personnel.

Suspect Ayala grabbed a long 2x4 and swung it at the arrest team on the rooftop and personnel in front on Gerhart Avenue. Deputy Magallanes saw Deputy Vega deploy a stun bag at the direction of Sergeant Castro.

Suspect Ayala ignored commands to drop the 2x4 and instead threw it at deputy personnel standing on Gerhart Avenue. Deputy Vega employed the stun bag at Suspect Ayala. Deputy Magallanes heard 3 stun bag employments and saw Suspect Ayala get hit 3 times in the upper torso. Deputy Magallanes stated there was nothing beneath Suspect Ayala to minimize injury if he fell during the employment of the stun bag.

After the employment of the stun bag, Suspect Ayala climbed up onto the rooftop in the direction of the arrest team. Deputy Magallanes climbed up the ladder on the south side of [redacted] South Gerhart Avenue to assist the arrest team. Once on

the rooftop, Deputy Magallanes could only see the backs of the arrest team who appeared to be to struggling to control Suspect Ayala. Deputy Magallanes positioned himself on the upper right side of Suspect Ayala next to Deputy [redacted] who was attempting to gain control of Suspect Ayala's right arm with a firm grip. Suspect Ayala was lying on his stomach.

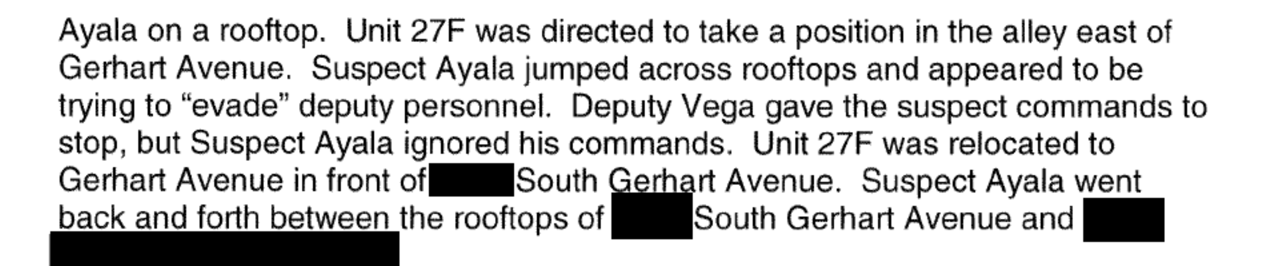
Deputy Magallanes attempted to control the upper body of Suspect Ayala with his hands using body weight pressure. Suspect Ayala was "swinging his arms and moving his head side to side." Deputy Magallanes recognized Suspect Ayala attempted to bite his hand. Deputy Magallanes grabbed a Taser from Deputy [redacted] removed the Taser cartridge and drive stunned Suspect Ayala on his back as he made another attempt at biting Deputy Magallanes' hand. Deputy Magallanes drive stunned Suspect Ayala three times in the middle of his back.

> **IAB NOTE:** Deputy Magallanes drive stunned Suspect Ayala three times because he did not believe the Taser was effective. His belief was based on Suspect Ayala's body did not "lock up" and Suspect Ayala continued to try to bite Deputy Magallanes **[Involved Interviews, Deputy Andrew Magallanes, pages 41-48]**.
>
> **IAB NOTE:** After the first two drive stun activations, Deputy Magallanes test fired the Taser to ensure it was working properly. After test firing the Taser, Deputy Magallanes employed a third drive stun activation upon Suspect Ayala's back. Deputy Magallanes' Taser activations are documented in **[Exhibit L (Seq # 248-252)]**.

After the third drive stun upon Suspect Ayala, Deputy Magallanes heard someone say Suspect Ayala was handcuffed. Deputy Magallanes stated he did not see the actions of Sergeant [redacted] or Deputy [redacted] while he was on the rooftop of [redacted] South Gerhart Avenue. Deputy Magallanes also was unaware of who handcuffed Suspect Ayala. Once handcuffed, Fire Department personnel responded to the rooftop and escorted Suspect Ayala down the ladder. Deputy Magallanes did not observe any injuries to Suspect Ayala or to deputy personnel. Deputy Magallanes stated this entire incident lasted a few hours starting from the time he was flagged down by the unknown motorist.

DEPUTY DAVID VEGA

On February 4, 2020, IAB Sergeants Ray Jones and Connie Delgado interviewed Deputy David Vega (Deputy Vega) at Internal Affairs Bureau. Deputy Vega was represented by Attorney William Hadden from Rains Lucia Stern St. Phalle & Silver. The following is a summary of the interview:
Deputy Vega was assigned as ELA Unit 27F/P with Deputy [redacted]. Deputy Vega and Deputy [redacted] (Unit 27F) responded to Gerhart Avenue regarding a backup request for a burglary suspect. Upon arrival, Deputy Vega saw Suspect



Ayala on a rooftop. Unit 27F was directed to take a position in the alley east of Gerhart Avenue. Suspect Ayala jumped across rooftops and appeared to be trying to "evade" deputy personnel. Deputy Vega gave the suspect commands to stop, but Suspect Ayala ignored his commands. Unit 27F was relocated to Gerhart Avenue in front of [redacted] South Gerhart Avenue. Suspect Ayala went back and forth between the rooftops of [redacted] South Gerhart Avenue and [redacted]

While in front of the location, Deputy Vega saw Suspect Ayala position himself behind the west facing facade of the rooftop. Deputy Vega also saw deputy personnel (arrest team) on the rooftop of [redacted] South Gerhart Avenue. MET personnel attempted to communicate with Suspect Ayala. Suspect Ayala did not respond to their efforts. Fire Department personnel placed a ladder on the south side of [redacted] South Gerhart Avenue so that Suspect Ayala could use it to climb down. Suspect Ayala refused to climb down the ladder. He then grabbed a piece of wood (2x4) from the frame work of the facade and swung it at Fire Department personnel on the south side of the building.

Deputy Vega retrieved and deployed a stun bag. Fire Department personnel had a "padding" available to place underneath Suspect Ayala in case he fell. Fire Department personnel, who stood approximately four feet in front of Suspect Ayala, were unable to place the "padding" underneath Suspect Ayala, because he swung the 2x4 at Fire Department personnel. Deputy Vega gave Suspect Ayala commands to drop the 2x4. Suspect Ayala ignored the commands and again swung the 2x4 at Fire Department personnel. Deputy Vega employed the stun bag, from approximately thirty feet away, four times at Suspect Ayala. Suspect Ayala was struck a total of four times in his torso and wrist. Deputy Vega stated he employed the stun bag based on his own observations of Suspect Ayala's actions and not at the direction of Sergeant Castro **[Involved Interviews, Deputy David Vega, pages 26-31]**.

Suspect Ayala climbed onto the rooftop after being struck by the stun bag rounds and began struggling with the arrest team. Deputy Vega handed the stun bag off to "someone wearing tan and green" and ran to the ladder on the south side of [redacted] South Gerhart Avenue **[as noted in Exhibit M, Image 2]**. Deputy Vega was in fear of the arrest team and Suspect Ayala falling off the rooftop. Deputy Vega ascended the ladder onto the rooftop and saw Suspect Ayala "flailing his limbs," refusing to be controlled by the arrest team. Deputy Vega interpreted Suspect Ayala's actions as trying to assault personnel and avoid apprehension.

Deputy Vega retrieved a Taser from an unknown deputy that was also on the rooftop. Deputy Vega removed the Taser cartridge and drive stunned Suspect Ayala "five to seven cycles in five second increments due to his resistance." Deputy Vega employed the Taser upon the upper part of Suspect Ayala's leg. Deputy Vega could not remember if the suspect was on his back or stomach. During the employment of the Taser, Deputy Vega test fired the Taser away from

Suspect Ayala's body to ensure it was working properly. The only force Deputy Vega witnessed was Deputy [redacted] seated, straddling Suspect Ayala's back while holding him down with body weight on the rooftop **[Involved Interviews, Deputy David Vega, pages 37-46]**.

> **IAB NOTE:** Deputy Vega's Taser activations are documented in **Exhibit N (Seq # 42-46)**.

Once Suspect Ayala was controlled, he was wrapped in a "safety blanket" provided by Fire Department personnel. Suspect Ayala was guided down the ladder on the south side of [redacted] South Gerhart Avenue.

DEPUTY [redacted]

On February 3, 2020, IAB Sergeants Ray Jones and Jeremy Carr interviewed Deputy [redacted] (Deputy [redacted] at Internal Affairs Bureau. Deputy [redacted] was represented by Attorney Elizabeth Gibbons from The Gibbons Firm. The following is a summary of the interview:

Deputy [redacted] was assigned to ELA Unit 28T/P. Upon arriving on Gerhart Avenue, Deputy [redacted] saw Suspect Ayala on the rooftop **[as noted in Exhibit O, Image 4]**. Suspect Ayala jumped back and forth across several rooftops and ignored commands by deputy personnel. Deputy [redacted] was included on a team (arrest team) that ascended to the rooftop with the plan to detain Suspect Ayala. The arrest team was Deputy [redacted] who was designated as the OC spray and Taser deputy, Sergeant [redacted] and Deputy [redacted] **[Involved Interviews, Deputy [redacted] page 9]**.

The arrest team ascended to the same rooftop as Suspect Ayala **[as noted in Exhibit O, Image 4]**. When the arrest team reached the rooftop, Suspect Ayala "ran northbound jumping onto the other roofs." Deputy [redacted] stated the arrest team followed Suspect Ayala as he was "running and attempting to get away from us" **[Involved Interviews, Deputy [redacted] page 12]**. Suspect Ayala continued north until he reached the rooftop of [redacted] South Gerhart Avenue. The arrest team also continued to the rooftop of [redacted] South Gerhart Avenue.

Suspect Ayala positioned himself on the west side of [redacted] South Gerhart Avenue and began removing pieces from the facade. Suspect Ayala yelled profanities at deputy personnel on Gerhart Avenue and armed himself with a five foot long piece of wood (2x4). Suspect Ayala swung the 2x4 at the arrest team. MET personnel tried to communicate with Suspect Ayala from Gerhart Avenue, but he did not respond to them. Deputy [redacted] and the arrest team stepped back to the east side of the rooftop, when deputy personnel on Gerhart Avenue stated a stun bag was being deployed.

Deputy [redacted] heard the stun bag being employed. He was unsure how many times he heard the stun bag employed. After the employment of the stun bag, Suspect Ayala placed the 2x4 onto the rooftop which was secured by Sergeant [redacted] Suspect Ayala was "extremely aggravated" when he climbed onto the rooftop toward the arrest team. Deputy [redacted] believed Suspect Ayala was climbing up to fight with the arrest team, employed his OC spray upon Suspect Ayala. The arrest team pulled Suspect Ayala onto the rooftop. Sergeant [redacted] wrapped himself around Suspect Ayala's legs, and Deputy [redacted] and Deputy [redacted] used firm grips to Suspect Ayala's left and right arms respectively. Suspect Ayala thrashed his body and refused to cooperate with the arrest team. During the control of Suspect Ayala, Deputy [redacted] stated the arrest team and Suspect Ayala's movements caused them to slide toward the edge of the rooftop **[Involved Interviews, Deputy [redacted] pages 23-31]**.

Additional deputy personnel responded to the rooftop to assist the arrest team with the control of Suspect Ayala. Deputy [redacted] stated Suspect Ayala was handcuffed, but he did not know who placed the handcuffs on the suspect. Suspect Ayala was guided off the rooftop down the ladder on the south side of [redacted] South Gerhart Avenue

DEPUTY [redacted]

On February 4, 2020, IAB Sergeants Ray Jones and Jeremy Carr interviewed Deputy [redacted] (Deputy [redacted]) at Internal Affairs Bureau. Deputy [redacted] was represented by Attorney William Hadden from Rains Lucia Stern St. Phalle & Silver. The following is a summary of the interview:

Deputy [redacted] was assigned as ELA Unit 20B1/P with Deputy Conde. They responded to Gerhart Avenue regarding a burglary suspect on a rooftop. Upon arrival, Deputy [redacted] saw Suspect Ayala on a rooftop, pacing back and forth **[as noted in Exhibit P, Image 4]**. During a briefing with Sergeant [redacted] and Deputy [redacted] Deputy [redacted] was informed he was part of their team (arrest team) that would be going onto the rooftop to talk to Suspect Ayala. The arrest team made the decision to go onto the rooftop because Suspect Ayala was in danger of hurting himself "due to the fact he's jumping on roof to roof."

The arrest team used a ladder provided by Fire Department personnel to ascend to the rooftop **[as noted in Exhibit P, Image 4]**. Once Suspect Ayala saw the arrest team ascending to the rooftop, he traveled north across several rooftops until he reached [redacted] South Gerhart Avenue **[as noted in Exhibit P, Image 3]**. The arrest team traveled north across the rooftops as well. Suspect Ayala positioned himself behind the front facade of [redacted] South Gerhart Avenue once the arrest team made it to the rooftop of [redacted] South Gerhart Avenue. The arrest

team kept a visual on Suspect Ayala from the rooftop but allowed the deputy personnel on the ground to communicate with him.

Suspect Ayala did not respond to commands from deputy personnel on Gerhart Avenue and kicked away a ladder that was near him. Suspect Ayala began ripping off building material from the front façade and armed himself with a piece of wood (2x4). Suspect Ayala swung the 2x4 at the arrest team on the rooftop. The arrest team stepped back behind a roof air vent **[as noted in Exhibit P, Image 2]**. Deputy [redacted] heard the employment of the stun bag being fired three times, and Suspect Ayala made a groaning sound. Deputy [redacted] did not see who employed the stun bag or Suspect Ayala being hit due to his position behind the roof air vent. After Suspect Ayala groaned, he climbed back onto the rooftop with the 2x4 still in his possession. Suspect Ayala appeared angry and said, "It's on now." Suspect Ayala was OC sprayed by Deputy [redacted] and the arrest team attempted to control Suspect Ayala. Deputy [redacted] used his body weight on Suspect Ayala's back while trying to control his left hand with a firm grip. Deputy [redacted] and Sergeant [redacted] used firm grips on the suspect's right arm and legs respectively **[Involved Interviews, Deputy [redacted] pages 25-31]**.

Several other deputy personnel responded to the rooftop to assist in controlling Suspect Ayala. Deputy [redacted] stated he heard Deputy Vega, who was next to him while trying to control Suspect Ayala, state he was employing the Taser. Deputy [redacted] heard the sound of a Taser being employed but did not actually see Deputy Vega employ the Taser. Deputy [redacted] was able to control Suspect Ayala's left arm and place it behind his back. Deputy [redacted] stated Suspect Ayala was handcuffed by another deputy, but he did not see who handcuffed the suspect. After being handcuffed, Suspect Ayala was guided down the ladder with the assistance of Fire Department personnel.

DEPUTY [redacted]

On December 19, 2019, IAB Sergeants Ray Jones and John Gutierrez interviewed Deputy [redacted] (Deputy [redacted] at ELA Sheriff's Station. Deputy [redacted] did not have representation during his interview. The following is a summary of the interview:

Deputy [redacted] was assign to ELA Unit 28E/D. Deputy [redacted] responded to Gerhart Avenue after Deputy Magallanes requested additional units to the location. Deputy [redacted] was directed to take a position in the alley east of Gerhart Avenue. Suspect Ayala traveled north across the rooftops, and ignored deputies' commands to come down. Deputy [redacted] took a position north of [redacted] South Gerhart Avenue. Deputy [redacted] believed his presence would stop Suspect Ayala from traveling past [redacted] South Gerhart Avenue. Suspect Ayala was on the rooftop talking incoherently and not listening to commands being given by personnel. Deputy [redacted] stated there were also

deputies (arrest team) on the rooftop of [redacted] South Gerhart Avenue. Deputy Magallanes requested Deputy [redacted] to come to the front of the location. Once in the front of the location, Deputy [redacted] saw the suspect transition from the rooftop to the front facade. MET personnel tried to communicate with Suspect Ayala, but he did not cooperate with them.

Suspect Ayala ripped off pieces of building materials and threw them at personnel in front of the location. Deputy [redacted] stated Deputy Vega employed the stun bag at Suspect Ayala multiple times. After the stun bag employment, Suspect Ayala climbed onto the rooftop toward the arrest team. Deputy [redacted] smelled OC spray in the air but he did not see who employed it. Deputy [redacted] ascended a ladder on the south side of [redacted] South Gerhart Avenue to help in the control of Suspect Ayala. Deputy [redacted] saw the suspect on his stomach "fighting and refusing to put his hands behind his back." Deputy [redacted] straddled the suspect's back and pinned him down. Deputy [redacted] stated he heard someone say, "Be careful, I'm drive stunning him," followed by the sound of a Taser being activated **[Involved Interviews, Deputy [redacted] pages 20-31]**.

Suspect Ayala was handcuffed, wrapped in a canvas type material provided by Fire Department personnel, and guided down the ladder. Deputy [redacted] did not observe injuries to the suspect or deputy personnel.

DEPUTY [redacted]

On January 14, 2020, IAB Sergeants Ray Jones and Stacie Reedy interviewed Deputy [redacted] (Deputy [redacted]) at Internal Affairs Bureau. Deputy [redacted] was represented by Attorney Elizabeth Gibbons from The Gibbons Firm. The following is a summary of the interview:

Deputy [redacted] was assigned to ELA Unit 27F/P with Deputy Vega. Deputy [redacted] and Deputy Vega (Unit 27F) responded to Gerhart Avenue for a "backup request for a burglary suspect standing on a rooftop of a business." Upon arrival, Unit 27F was directed to a containment position in the alley east of Gerhart Avenue. Deputy [redacted] saw Suspect Ayala on the roof only when the suspect would move to the rear of the building near the alley. Suspect Ayala was yelling incoherently and acting erratically. Deputy [redacted] said an arrest team was on the rooftop with Suspect Ayala while they were in the alley.

Unit 27F was positioned in the alley for approximately thirty minutes before being relocated to Gerhart Avenue. When Unit 27F moved to Gerhart Avenue, Deputy [redacted] saw Suspect Ayala seated on exposed framing near the roof line of [redacted] South Gerhart Avenue. Deputy [redacted] took a position in front of [redacted] South Gerhart Avenue. Deputy [redacted] was near the building behind the light pole **[as noted in Exhibit R].** Deputy personnel communicated with Suspect Ayala and directed him to come down the ladder that was provided by Fire

Department personnel. Suspect Ayala did not comply with the direction. Suspect Ayala armed himself with a piece of wood (2x4) he broke off from the building. The 2x4 was approximately four feet long with nails protruding from one end.

Suspect Ayala swung the 2x4 at Fire Department personnel, who were holding the ladder approximately three feet from the suspect. Deputy [redacted] heard Deputy Vega shout, "Stun bag, stun bag! Stun bag!" Deputy Vega employed the stun bag three or four times at Suspect Ayala. Suspect Ayala was struck in the "mid-section and lower back **[Involved Interviews, Deputy** [redacted] **pages 14-17]**.

After the employment of the stun bag, Suspect Ayala dropped the piece of wood and climbed onto the rooftop. The arrest team was already on the rooftop of [redacted] South Gerhart Avenue. Deputy [redacted] lost visual of Suspect Ayala as he responded to the ladder to climb onto the rooftop. Deputy [redacted] smelled the odor of OC spray in the air but did not see it employed. Deputy [redacted] repositioned himself so he could see what was happening on the rooftop.

Deputy [redacted] saw Suspect Ayala standing on the rooftop, swinging his arms wildly while the arrest team attempted to control him. The arrest team ordered Suspect Ayala to "get on the ground," but they appeared to be slipping down the pitched rooftop. Deputy [redacted] climbed up the ladder on the west side of [redacted] South Gerhart Avenue to assist the arrest team. Once on the rooftop, Deputy [redacted] saw Suspect Ayala on his stomach with both arms tucked under his chest. Suspect Ayala was not complying with the deputies' commands to place his hands behind his back. Deputy [redacted] grabbed Suspect Ayala's left wrist and forearm. Deputy [redacted] saw Deputy Vega drive stun Suspect Ayala's left leg **[Involved Interviews, Deputy** [redacted] **pages 21-27]**.

Suspect Ayala was handcuffed and wrapped in a "tarp canvas" provided by Fire Department personnel. Suspect Ayala was guided down the ladder on the south side of [redacted] South Gerhart Avenue.

SERGEANT [redacted]

On December 19, 2019, IAB Sergeants Ray Jones and Joe Morales interviewed Sergeant [redacted] (Sergeant [redacted]. A second interview with Sergeant [redacted] was conducted on February 18, 2020, with IAB Sergeants Ray Jones and Jeremy Carr. Both interviews occurred at Internal Affairs Bureau. Sergeant [redacted] was represented by Professional Peace Officer Association Labor Representative Teresa O'Neil for both interviews. The following is a summary of the interview:

Sergeant [redacted] was ELA Unit 21S/P and responded to [redacted] in the city of Commerce. Upon arrival, Sergeant [redacted] saw Suspect

Ayala on a rooftop **[as noted in Exhibit S, Image 4]**. Sergeant [redacted] contacted Sergeant Castro and the handling deputy, Deputy Magallanes. Suspect Ayala moved across several rooftops and did not stay in one spot. Deputy Magallanes gave commands to Suspect Ayala to come down. Suspect Ayala ignored the commands.

> **IAB NOTE:** Sergeant [redacted] described the rooftop Suspect Ayala was on as a commercial building that appeared to be "open for business, however nobody was inside." Sergeant [redacted] was unsure how Suspect Ayala got onto the roof.

MET was notified and arrived approximately "20-30 minutes" after Sergeant [redacted] Sergeant [redacted] and Sergeant Castro discussed a plan of sending personnel onto the roof, because Suspect Ayala did not comply with commands to come down. Sergeant [redacted] stated MET was not present during the tactical discussion he had with Sergeant Castro. During the discussion, the plan was for Sergeant [redacted] to take five or six deputies onto the rooftops.

> **IAB NOTE:** Sergeant [redacted] was newly assigned to ELA Station on May 5, 209, and did not know the names of all the deputies that went onto the roof with him. He stated it was Deputies [redacted] and [redacted] two other male deputies, and one female deputy (contact team).

Sending personnel onto the roof gave Suspect Ayala an option on getting off the roof by surrendering to personnel. When Suspect Ayala was standing on the rooftop **[as noted in Exhibit S, Image 3]**, Sergeant [redacted] and the contact team ascended to the rooftop of the building south of Suspect Ayala's location. Fire Department personnel supplied a ladder for the contact team to ascend to the roof.

Suspect Ayala began traveling north across rooftops once he saw the contact team climb up the ladder. Once on the rooftop, Sergeant [redacted] thought there were too many people on the roof and sent the two unknown male deputies and female deputy back down the ladder. Sergeant [redacted] Deputy [redacted] and Deputy [redacted] (arrest team) were the only deputy personnel on the rooftop at this time. Sergeant [redacted] told Suspect Ayala to "stop running," and they "were there to help him" **[Involved Interviews, Sergeant [redacted] page 18]**.

Suspect Ayala moved across rooftops until he got to the rooftop of [redacted] South Gerhart Avenue **[as noted in Exhibit S, Image 1]**. Once the three deputies descended down the ladder, the arrest team proceeded north across rooftops to [redacted] South Gerhart Avenue.

IAB NOTE: Sergeant [redacted] stated he and the arrest team "jumped" rooftops, which were not connected, to get to rooftop [redacted] South Gerhart Avenue **[Involved Interviews, Sergeant [redacted] pages 23-24]**.

IAB NOTE: The largest gap between rooftops were approximately ten feet **[Miscellaneous Documents].**

Suspect Ayala did not appear to be aware of the arrest team's approach, because he seemed focused on the personnel on the ground in front of [redacted] South Gerhart Avenue. Suspect Ayala did not notice the arrest team until they were behind him on the rooftop of [redacted] South Gerhart Avenue.

IAB NOTE: Sergeant [redacted] stated he was aware of the Department's foot pursuit policy. Sergeant [redacted] believed the arrest team's movements did not classify as a foot pursuit. He stated Suspect Ayala was stationary at [redacted] South Gerhart Avenue rooftop once the arrest team made their approach toward him **[Involved Interviews, Sergeant [redacted] (2nd), pages 18-21]**.

Once the arrest team reached [redacted] South Gerhart Avenue, Suspect Ayala positioned himself behind the west facing facade of the building. MET tried to communicate with Suspect Ayala, but he would not respond to them. Suspect Ayala began breaking off pieces of building material and armed himself with a six foot long two by four with nails protruding from the end (2x4). Sergeant [redacted] saw Deputy Vega deploy the stun bag. The arrest team moved back on the rooftop and "took a knee" to provide a clear backdrop for Deputy Vega. Sergeant [redacted] heard four stun bag rounds being employed. He did not see what occurred prior to the employment of the stun bag or if Suspect Ayala was hit.

Sergeant [redacted] heard Suspect Ayala yell, "Ow!" Suspect Ayala then said, "Fuck this, it's on," and he began to climb onto the rooftop toward the arrest team. Sergeant [redacted] believed Suspect Ayala was coming onto the roof to fight. Sergeant [redacted] directed Deputy [redacted] to employ his OC spray upon Suspect Ayala **[Involved Interviews, Sergeant [redacted] page 30]**. Suspect Ayala continued his transition onto the rooftop. Suspect Ayala was laying on the rooftop when Sergeant [redacted] wrapped himself around Suspect Ayala's legs. Sergeant [redacted] did not observe the force used by Deputy [redacted] or Deputy [redacted] because he was focused on controlling Suspect Ayala's legs.

Suspect Ayala did not cooperate with the arrest team and tried to break free from their grasp by thrashing his body. Sergeant [redacted] heard someone say, "Stop resisting. Stop fighting. Let us handcuff you." Suspect Ayala ignored the commands and continued to thrash his body around. Sergeant [redacted] was unaware that a Taser was employed while he was controlling Suspect Ayala's legs.

> **IAB NOTE:** Sergeant [redacted] was not made aware of the Taser employment until after the incident. Sergeant [redacted] could not remember who informed him about the Taser usage, but he was concerned that someone would employ a Taser while the suspect was elevated off the ground **[Involved Interviews, Sergeant [redacted] page 43]**.

Sergeant [redacted] stated the control of Suspect Ayala occurred in the middle of the roof **[as noted in Exhibit S, Image 2]**. Sergeant [redacted] was not concerned about the arrest team or Suspect Ayala falling off the roof. At no point did Sergeant [redacted] feel someone pushing on his buttocks to keep him from falling off the roof. Sergeant [redacted] said he was never close enough to the edge that he was concerned about falling off the roof. Sergeant [redacted] stated Suspect Ayala's head was pointed north and his feet were pointed south. Sergeant [redacted] applied the hobble to Suspect Ayala's legs but did not know who applied the handcuffs.

Fire Department personnel provided a blanket which Suspect Ayala was wrapped in "like a burrito." Suspect Ayala was guided down the ladder. Sergeant [redacted] did not observe injuries to Suspect Ayala or deputy personnel following this incident.

SUSPECT INTERVIEW

SUSPECT MARWIN AYALA

On June 24, 2019, IAB Sergeants Jeremy Carr and Amber Veatch interviewed Suspect Ayala at Inmate Reception Center. The following is a summary of the interview:

> **IAB NOTE:** Suspect Ayala did not remember breaking into the warehouse. Suspect Ayala entered and sat in a parked vehicle with a window that was already broken.

Suspect Ayala said he was on a rooftop when he first saw deputy personnel. Deputies told him to come down, but Suspect Ayala was scared and refused to follow their commands. Suspect Ayala began breaking off pieces of wood from the frame. Suspect Ayala did not fight with Fire Department or deputy personnel but stated he did push away the ladder they placed it near him. As Fire Department personnel placed the ladder near him, he told them he would come down once they stepped away from him. Suspect Ayala stated he never came down because, "They never gave me space."

Suspect Ayala said he broke off pieces of wood and swung it at deputy personnel on the roof. Suspect Ayala said he did not intentionally throw items at deputy personnel. Suspect Ayala hung off the side of the roof when he broke off pieces of building materials. Suspect Ayala said he was shot with the "bean bag" (stun bag) about five times.

Suspect Ayala stated the deputies pulled him onto the rooftop. He knew he was peppered sprayed but could not remember when it happened. Once on the rooftop, Suspect Ayala said he did not fight with the deputies that were on the rooftop. Suspect Ayala stated he was "tasered a couple times." Suspect Ayala said he was lying on the roof when he was tased. Suspect Ayala stated he drank two twenty-two ounce cans of beer and smoked Methamphetamine prior to being contacted by deputy personnel.

IAB NOTE: Suspect Ayala was incoherent at times during the interview. The videotaped interview of Suspect Ayala was submitted with this case **[Exhibit T]**.